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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
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POSITIVE ALTERNATIVE RADIO, INC. ) BPED-911119MC  
New FM, Asheboro, North Carolina )  
Seeking: 89.3 MHz, 2.5 kw, 120 M )

TO: Chief, Mass Media Bureau

OPPOSITION TO INFORMAL OBJECTION

Positive Alternative Radio, Inc. (PAR), through its counsel, opposes the Informal Objection filed on or about December 24, 1992, by a "Faculty Advisor WSOE" and a "Technical Consultant" (objectors). The Informal Objection sought to have the captioned application of PAR "denied at this time".

1. The Informal Objection must itself be denied. Initially it may be noted that there are two applicants for Channel 207A, which are mutually exclusive, that of PAR and the application of Triad Family Network for Winston-Salem, North Carolina (BPED-910227MD). The Informal Objection is redolent of efforts by a desperate competing applicant to pull out all stops with efforts to have an obviously preferred applicant denied. Other stations in the area are importuned to file formal or informal objections, based if necessary upon speculation and hearsay. In the case of a non-commercial educational application, naive academics are urged to protest and are fed information and misinformation by the apprehensive applicant and/or his legal counsel. Short on facts

and long on wishful thoughts, these protests clutter the Commission files and indeed constitute an abuse of Commission processes. The instant Informal Objection and a previously filed Informal Objection tendered by Student Educational Broadcasting Inc., WXYC, may well have been motivated by Triad Family Network.<sup>1</sup>

2. For several cogent reasons, the present Informal Objection must be denied. At first blush, it may be noted that the objectors, a "faculty advisor" (Grady) and a "technical consultant" (Wright), provide no indication that they are in any wise authorized to speak for Elon College or its officers, directors or board of regents. In the forthcoming hearing, it will be of interest to determine whence their authority to represent Elon College.

3. The principal basis of objection seems to be that the cooperative efforts of WXYC, WSOE and WCPE ". . .are producing a plan whereby each station can give its listeners a better quality signal and simultaneously reduce the areas and population which may currently receive overlap." but that PAR has not cooperated with the group. Initially, it may be observed that PAR has not been invited to cooperate, and if the Commission grants its application, it will be pleased to do so. As concerns areas and populations that receive "overlap", this is a matter to be determined pursuant to the Commission's engineering standards and not through agreement

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<sup>1</sup> The wording of the entire Informal Objection of Messrs. Grady and Wright is a carbon-copy of the WXYC objection. The Commission may wish to inquire as to who furnished the text to one or both informal objectors.

between and among stations in the North Carolina area. The matter of "minimizing overlap" is specifically set forth in Commission rules and the application of PAR was filed in total compliance with the standards that must be observed. If as objectors contend, the PAR application "indicates that interference is likely to be caused to the current facilities of co-channel stations WXYC in Chapel Hill and WSOE in Elon College, North Carolina", it is incumbent upon objectors to demonstrate such interference through engineering exhibits to be considered by the Commission.<sup>2</sup>

4. Moreover, it is difficult to understand how Elon College is objecting to the PAR application at Asheboro but has apparently filed no objection to the Triad application at Winston-Salem, especially since the city of Winston-Salem is but approximately five miles farther from the college than is Asheboro. Objectors propose that "a detailed technical study must be made of the actual radiation pattern of the proposed transmitting system. . ." of PAR, little realizing that that is exactly what the Commission's engineering staff has done or will do regarding the PAR application (and the Triad application as well). Sometimes the innocence of academia provides more work for the Commission's legal staff than is necessary.

5. Finally, objectors question whether PAR has sufficient finances to operate "the several stations that it has cumulatively

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<sup>2</sup> The possibility of interference "thus not only causing harm now" is somewhat incomprehensible, since the application of PAR has as yet to be granted by the Commission.



**CERTIFICATE OF SERVICE**

I, Margaret A. Ford, Office Manager for the law firm of BOOTH, FRERET & IMLAY, do certify that copies of the foregoing document were mailed via U. S. Mail, first class, postage prepaid, this 5th day of January, 1993, to the offices of the following:

\*Larry D. Eads, Esquire